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EXAMINER

MICHALSKI, SEAN M

ART UNIT

PAPER NUMBER

3725

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/765,549

Applicant(s)

LEMBKE ET AL.

Examiner

Sean M. Michalski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 18-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

Claims 18-30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected group and species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 15, 2006.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 6, 8-10, and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Gooding (USPN 4,200,976).

3. Regarding claim 1, Gooding discloses a razor blade platform (figure 2, 10 and 10d) comprising a base portion (10 figure 2) at least two projections (10d and 10e figure 1) extending from the base portion (as seen in figures 1 and 2) defining at least a pair of approximately parallel spaced apart support surfaces (11 figure 2 or 11c figure 1), wherein the support surfaces (11 figure 2) are generally laterally aligned (as seen in figure 1) with the corresponding support surfaces of another of said projections (seen in figure 1) and each of said support surfaces is adapted to carry a portion of a razor blade extending along said razor blade platform (the blade platform is seen to be carrying a

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portion of razor blades extending along the blade platform in figure 1, it is therefore considered 'adapted' to do so).

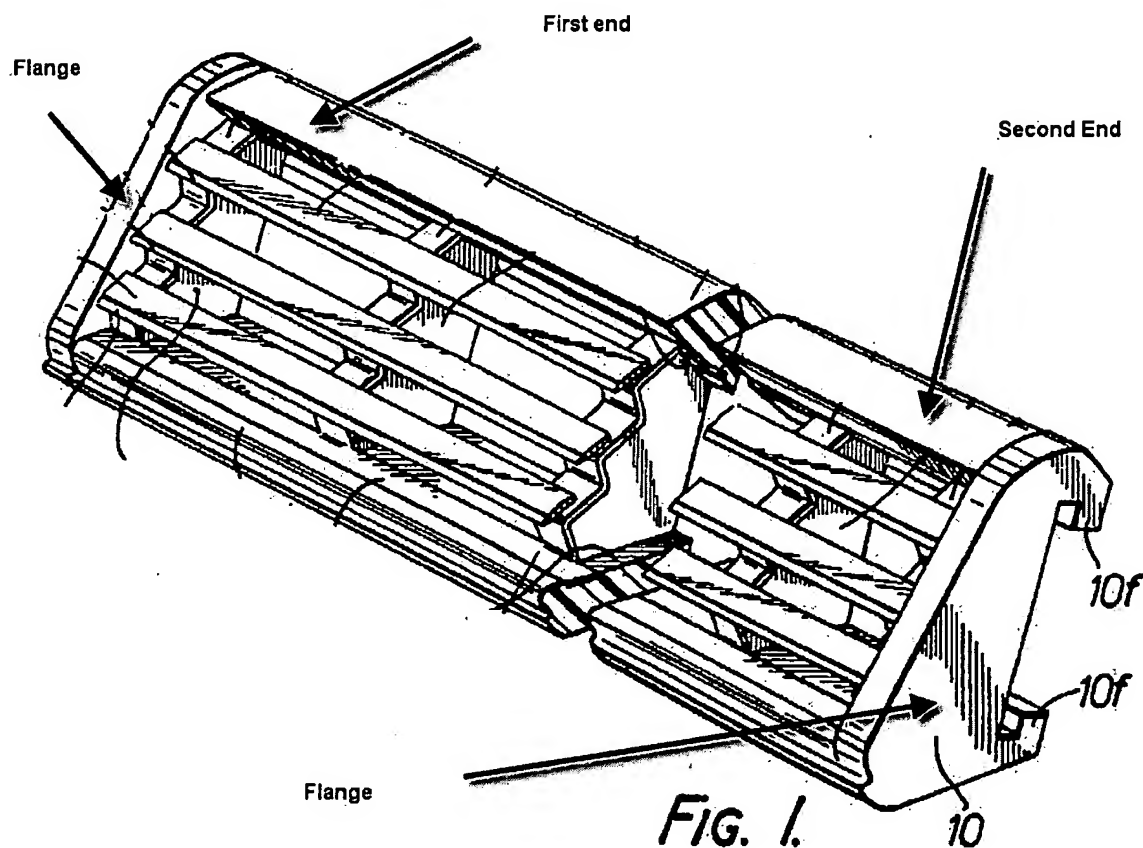
4. Regarding claim 4, Gooding further discloses that said at least two includes a plurality of projections (there are five projections shown in figure 1, 10e and 10d) each spaced from the others (figure 1, there are gaps in between), and that the razor support surfaces of each projection are approximately aligned (they can be seen aligned in figure 1).

5. Regarding claim 6, Gooding further discloses that at least two support surfaces are defined on each projection. This is seen by the fact that each projection is holding three razor blades on three distinct razor support surfaces in figures 1 and 2.

6. Regarding claims 8 and 9, Gooding further discloses that the platform is unitary and formed from a single piece of plastic (column 1 lines 66-67). 10, generally the blade platform, is made from a continuous (or unitary) moulding of plastic, the continuity seen in figure 1, lower right corner. It is noted that the blades do not rest directly on the blade platform, but on a metal razor blade carrier strip. This is considered to be part of the razor blade structure, and so does not affect the analysis of the blade platform being 'a single piece of material'.

7. Regarding claim 10, Gooding discloses that the razor platform is made by moulding (column 1 lines 66-67) which is the same as 'injection molding'. Further, the method of forming the device (injection molding) is not germane to the issue of patentability of the device itself. Therefore this limitation has not been given patentable weight.

8. Regarding claim 15, the base portion of Gooding inherently possesses first and second ends, as seen in the figure below, said first and second end having flanges coupled thereto.



9. Regarding claim 16, Gooding discloses that the razor blade platform be unitary and from a single piece of material (column 1 lines 66-67). 10, generally the blade platform, is made from a continuous (or unitary) moulding of plastic, the continuity seen in figure 1, lower right corner. It is noted that the blades do not rest directly on the blade platform, but on a metal razor blade carrier strip. This is considered to be part of the

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razor blade structure, and so does not affect the analysis of the blade platform being 'a single piece of material'.

10. Regarding claim 17, Gooding further discloses that there is a shaving debris wash-through aperture, as is commonly known in the art. This is described in column 2 lines 47 – 53, and can be seen in figure 1.

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

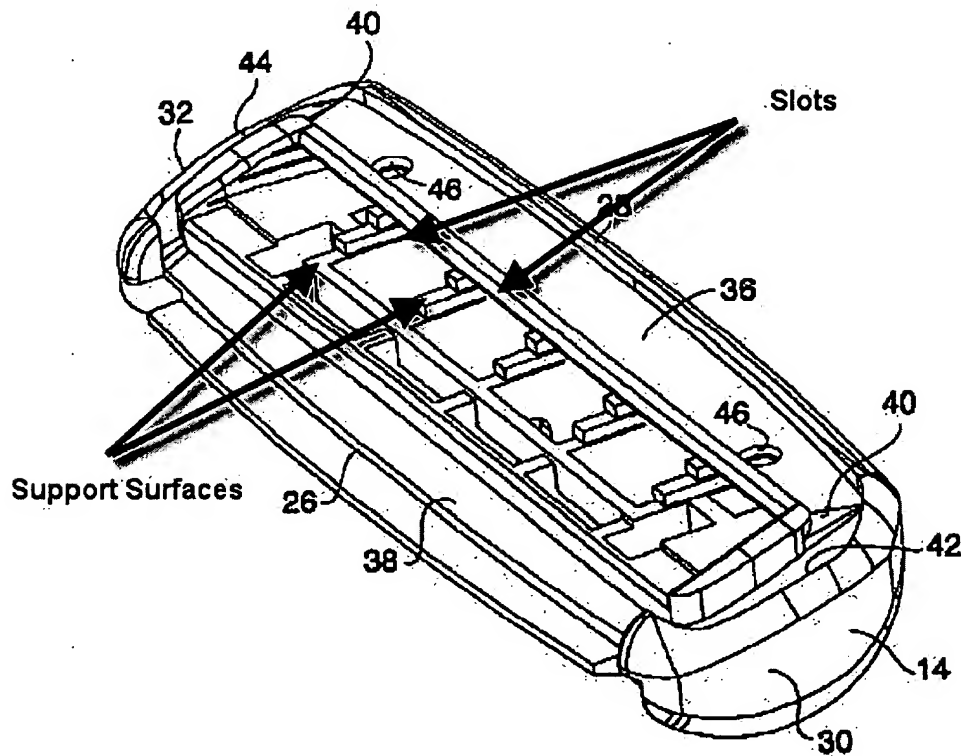
12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. Claims 2, 3, 5, 7 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gooding in view of Barone et al.

14. Regarding claim 2 Gooding teaches every aspect of the claimed invention except Gooding fails to teach a slot in the razor blade platform, for retaining a razor blade.

Barone et al. teaches slots (see figure below) defined in part by support surfaces, as seen in figure 4. Razor blade is positioned in said slot, as seen in figures 1-3, said blades being slidably received therein.

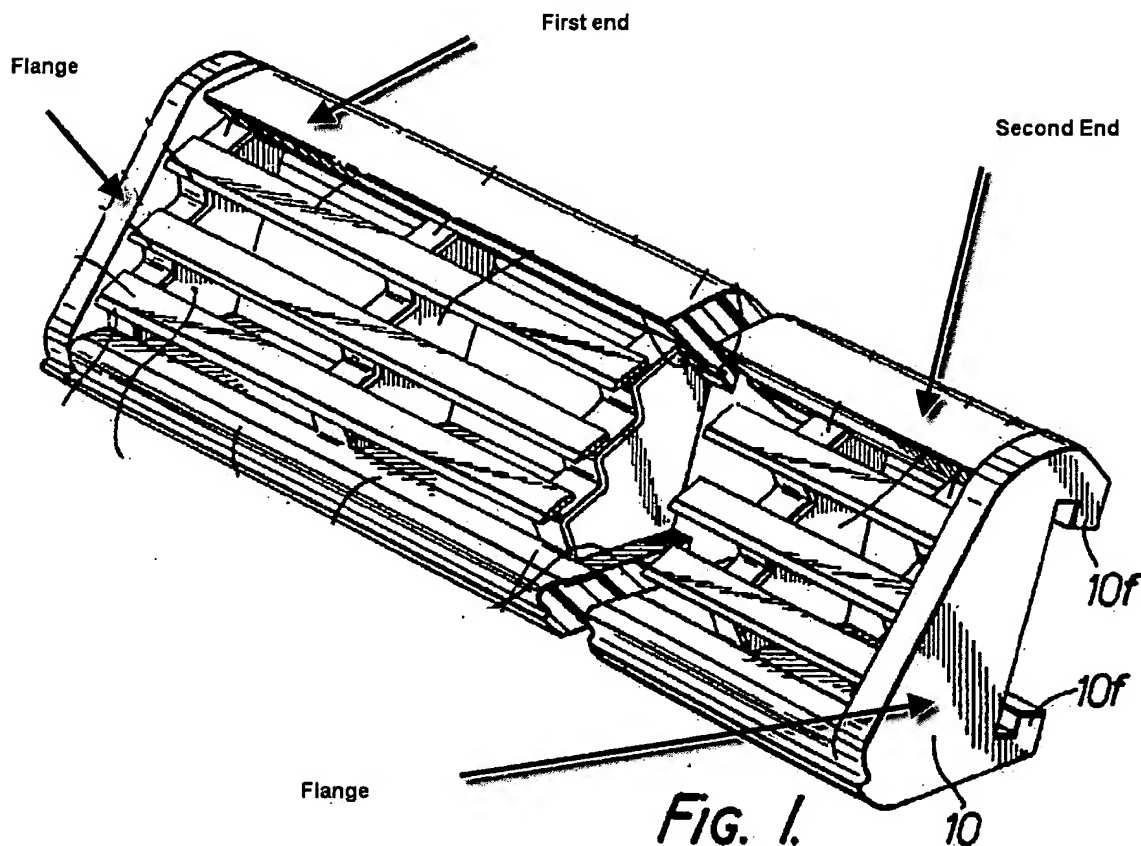


In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Gooding by using slots to retain razor blades as taught by Barone et al to more securely retain razor blades. The motivation to combine is that supporting the blades on both sides provides more secure support for the blade, and allows the blades to be thicker, which also adds stability during shaving operations.

15. Regarding claim 3, Gooding further teaches that said two projections include at least three projections (seen in figure 1), two being disposed on the ends of the platform

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(seen below labeled as First and Second end), there being a third projection located therebetween.



Gooding does not teach that said third projection have a slot for slidably receiving a razor blade.

Barone et al. teaches a slot in the central projection, as discussed above and seen in the figure accompanying paragraph 15.

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Gooding by having a slot in the central projection as taught by Barone et al, to make the blade more stable. The motivation to combine is



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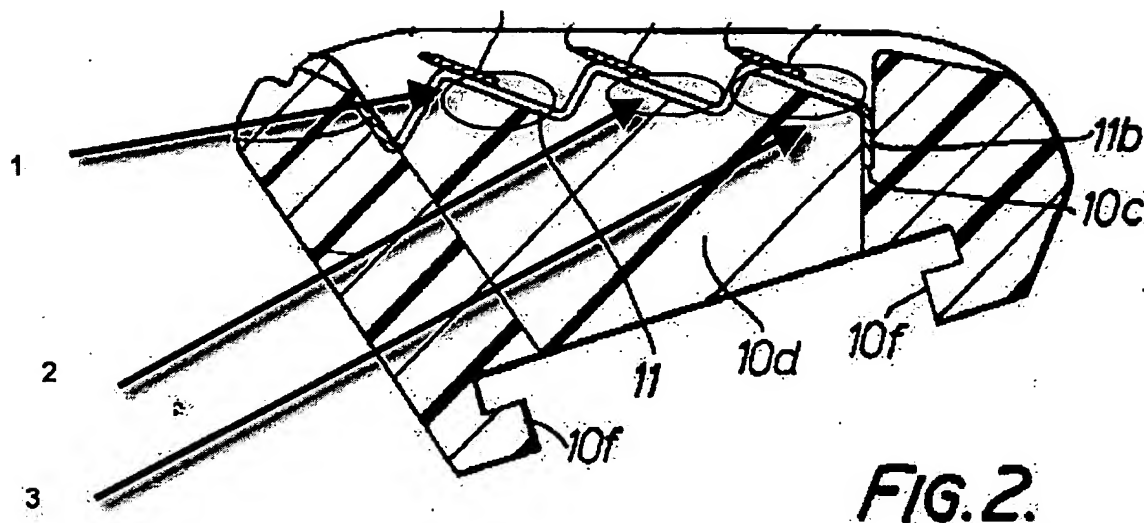
that adding a slot to the blade platform will support the blade on the top and bottom, retaining it more securely.

16. Regarding claim 5, Gooding teaches every aspect of the claimed invention except for a slot in one of said projections for slidably retaining a razor blade.

Barone et al. teaches a slot for slidably retaining a razor blade as seen in figure 4 and discussed above.

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Gooding by having a slot in any projection as taught by Barone et al, to make the blade more stable. The motivation to combine is that adding a slot to the blade platform will support the blade on the top and bottom, retaining it more securely.

17. Regarding claim 7, Gooding in view of Barone et al. teaches every aspect of the claimed invention as discussed above. Gooding further discloses that the at least two projections (10d 10e, figure 1) each define a plurality of support surfaces. Three support surfaces can be clearly seen in figure 2, reproduced below for clarity.



18. Regarding claims 11 and 12, Gooding teaches that the platform defines a first and second end as discussed above. Gooding further teaches that the two projections on the first and second end do not define slots (seen in figure 1). The applicant's admission that "any number of projections and combinations of slotted and unslotted projections can be employed without departing from the broader aspects of the present invention", shows that one of ordinary skill in the art would readily make some slotted and some unslotted projections, because there is no criticality to the limitation that the proximal ends *not* have slots. Examiner takes official notice of the fact that the number of projections and combinations of slotted and unslotted is arbitrary.

19. Regarding claim 13, Gooding teaches three support surfaces.

Gooding does not teach that projections with one slot define two slots.

Barone et al. teaches that projections with at least one slot have two slots (seen in figure 4). Each projection has multiple slots in figure 4.

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Gooding by using slots to retain the razor blades as taught by Barone et al, to make the blades more secure. The motivation to combine is that supporting the blades on the top and bottom is more secure.

20. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gooding in view of Barone et al as applied to claims 2, 3 5, 7, 11-13 above, and further in view of Coffin (USPGPUB 2003/0217469).

21. Regarding claim 14, Gooding in view of Barone teaches all the aspects of the claimed invention except that there be four support surfaces and that the slotted projections define three slots.

Coffin teaches a four bladed razor.

In the same field of invention it would have been obvious to one skilled in the art at the time of the invention to modify Gooding in view of Barone et al. by making it accommodate four blades as taught by Coffin to make the razor more efficient. The motivation to combine is that increasing the number of blades will "increase the shaving efficiency of the razor".

The addition of a support surface and slot such as those already found in Gooding in view of Barone would have been obvious, since it has been held that the mere duplication of the essential working parts of a device involves only routine skill in

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the art. *St. Regis Paper co. v. Bemis Co.*, 193 USPQ 8. There is no criticality in the specification regarding the choice of four blades.

**Conclusion**

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dawidowicz et al. which teaches bonding, and Althaus et al., which teaches the use of wire guard, plastic, spring biasing, and the use of a shaving aid.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean M. Michalski whose telephone number is 571-272-6752. The examiner can normally be reached on M-F 7:30AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SMM

  
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